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**TITLE 511 INDIANA STATE BOARD OF EDUCATION**

**Proposed Rule**  
LSA Document #11-405

**DIGEST**

Amends [511 IAC 10-6-1](#) through [511 IAC 10-6-4](#) to establish new staff performance evaluation procedures. Repeals [511 IAC 10-6-5](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[511 IAC 10-6-1](#); [511 IAC 10-6-2](#); [511 IAC 10-6-3](#); [511 IAC 10-6-4](#); [511 IAC 10-6-5](#)

SECTION 1. [511 IAC 10-6-1](#) IS AMENDED TO READ AS FOLLOWS:

**[511 IAC 10-6-1](#) Definitions**

**Authority:** [IC 20-19-2-8](#); [IC 20-28-11.5-8](#)

**Affected:** [IC 20-18-2-22](#); [IC 20-28](#); [IC 20-29-2-4](#); [IC 20-31-4](#); [IC 20-37-1-1](#)

Sec. 1. Beginning in the 1988-89 school year each:

- (1) school corporation;
- (2) school organized pursuant to an interlocal agreement under [IC 36-1-7](#);
- (3) special education cooperative organized under [IC 20-35-5](#);
- (4) cooperating school corporation for vocational education organized under [IC 20-1-18-7](#); and
- (5) private school;

as a condition of accreditation under [IC 20-19-2-8](#)(8), must develop and implement a staff performance evaluation plan to evaluate the performance of each employee whose position requires a license issued by the state board of education.

The following definitions apply throughout this rule:

- (1) "Category" means any one (1) of the four (4) categories in [IC 20-28-11.5-4](#).
- (2) "Certified employee" has the meaning set forth in [IC 20-29-2-4](#).
- (3) "Department" means the Indiana department of education.
- (4) "Evaluator" has the meaning set forth in [IC 20-28-11.5-1](#).
- (5) "Measures" means the student learning measures as described in section 4 of this rule.
- (6) "Plan" has the meaning set forth in [IC 20-28-11.5-2](#).
- (7) "School corporation" has the meaning set forth in [IC 20-28-11.5-3](#).
- (8) "Summative evaluation" means an evaluation for the purpose of making personnel decisions and for enhancing teaching effectiveness.
- (9) "Teacher" has the meaning set forth in [IC 20-18-2-22](#).

(Indiana State Board of Education; [511 IAC 10-6-1](#); filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: [20071219-IR-511070386RFA](#))

SECTION 2. [511 IAC 10-6-2](#) IS AMENDED TO READ AS FOLLOWS:

**[511 IAC 10-6-2](#) Plan development and adoption**

**Authority:** [IC 20-19-2-8](#); [IC 20-28-11.5-8](#)

**Affected:** [IC 20-28](#); [IC 20-31-4](#); [IC 20-35-5](#); [IC 20-37-1-1](#); [IC 36-1-7](#)

Sec. 2. (a) The department of education shall approve a staff performance evaluation plan that provides for the following:

- (1) Improvement of the performance of each individual evaluated.
- (2) Growth and development of each individual evaluated.
- (3) An annual assessment of the effectiveness of the plan.

- ~~(4) An evaluation of non-permanent and semi-permanent teachers:
  - ~~(A) on or before December 31 each year; and~~
  - ~~(B) if requested by the teacher, an additional evaluation on or before March 1 of the following year.~~~~

~~(b) A staff performance evaluation plan may provide a basis for employment decisions.~~

~~(c) A staff performance evaluation plan may not use ISTEP scores as a basis for an employee's evaluation.~~

**(a) For implementation during the 2012-2013 school year, each school corporation shall develop or adopt a staff performance evaluation plan to evaluate the performance of each certified employee under [IC 20-28-11.5-4](#).**

**(b) Any staff performance evaluation plan shall include the following performance level descriptors and definitions for category designation under the plan. A school corporation may supplement, but not replace, definitions of the performance level descriptors to appropriately reflect the selected or developed evaluation system.**

**(1) Highly effective.** A highly effective teacher consistently exceeds expectations both in terms of student outcomes and instructional practice. This is a teacher who has demonstrated excellence, as determined by a trained evaluator, in locally selected competencies reasonably believed to be highly correlated with positive student learning outcomes. The highly effective teacher's students, in aggregate, have exceeded expectations for academic growth and achievement based on guidelines suggested by the department.

**(2) Effective.** An effective teacher consistently meets expectations both in terms of student outcomes and instructional practice. This is a teacher who has consistently met expectations, as determined by a trained evaluator, in locally selected competencies reasonably believed to be highly correlated with positive student learning outcomes. The effective teacher's students, in aggregate, have achieved an acceptable rate of academic growth and achievement based on guidelines suggested by the department.

**(3) Improvement necessary.** A teacher who is rated as improvement necessary requires a change in performance before he or she meets expectations either in terms of student outcomes or instructional practice. This is a teacher who a trained evaluator has determined to require improvement in locally selected competencies reasonably believed to be highly correlated with positive student learning outcomes. In aggregate, the students of a teacher rated improvement necessary have achieved a below acceptable rate of academic growth and achievement based on guidelines suggested by the department.

**(4) Ineffective.** An ineffective teacher consistently fails to meet expectations both in terms of student outcomes and instructional practice. This is a teacher who has failed to meet expectations, as determined by a trained evaluator, in locally selected competencies reasonably believed to be highly correlated with positive student learning outcomes. The ineffective teacher's students, in aggregate, have achieved unacceptable levels of academic growth and achievement based on guidelines suggested by the department.

*(Indiana State Board of Education; [511 IAC 10-6-2](#); filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: [20071219-IR-511070386RFA](#))*

SECTION 3. [511 IAC 10-6-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[511 IAC 10-6-3](#) Evaluator training**

**Authority:** [IC 20-19-2-8](#); [IC 20-28-11.5-8](#)

**Affected:** [IC 20-28](#); [IC 20-31-4](#); [IC 20-35-5](#); [IC 20-37-1-1](#); [IC 36-1-7](#)

Sec. 3. (a) The department of education shall:

- (1) provide guidelines for plan development and implementation;
- (2) collect and disseminate information concerning staff evaluation;
- (3) assist in the training of evaluators;
- (4) review and approve each staff performance evaluation plan submitted;
- (5) provide a written response to each corporation concerning its plan before October 31 of the year in which it

is submitted; and

(6) provide technical assistance for plan development and implementation:

(A) as necessary, to bring the plan into compliance with [IC 20-28-11](#) and [511 IAC 10-6](#); or

(B) at the request of the corporation.

~~(b) The department may suggest ways to improve a plan that is in compliance with [IC 20-28-11](#) and [511 IAC 10-6](#).~~

**(a) Observation and analysis of teacher practice and student learning measures. Administrators and other administrator-designated individuals shall collect evidence throughout the school year to be used toward a summative evaluation.**

**(1) Any individual responsible for collecting evidence toward summative evaluations must be provided with training on how to collect and analyze evidence. Such training may include, but is not limited to, training incorporated into professional development programs, supervisor-led training, or virtual training. In developing training programs, a school corporation must incorporate mechanisms to assess evaluators' improvement in collecting and using evidence.**

**(2) An individual responsible for collecting evidence towards summative evaluations is not required to be certified in administration.**

**(b) Summative evaluations. Administrators and other administrator-designated individuals shall be provided training by the school corporation on evaluating evidence provided and shall be responsible for making a final summative evaluation.**

**(1) Any individual responsible for summative evaluations shall be provided with training on how to evaluate evidence and how to make a final summative judgment. Such training may include, but is not limited to, training incorporated into professional development programs, supervisor-led training, or virtual training. In developing training programs, a school corporation must incorporate mechanisms to assess evaluators' competence in collecting and using evidence.**

**(2) An individual responsible for summative evaluations is not required to be certified in administration but must have experience in observing and analyzing teacher practice and student learning measures.**

*(Indiana State Board of Education; [511 IAC 10-6-3](#); filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; readopted filed Nov 20, 2007, 11:36 a.m.: [20071219-IR-511070386RFA](#))*

SECTION 4. [511 IAC 10-6-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[511 IAC 10-6-4](#) Evaluation measures**

**Authority:** [IC 20-19-2-8](#); [IC 20-28-11.5-8](#)

**Affected:** [IC 20-28](#); [IC 20-31-4](#); [IC 20-35-5](#); [IC 20-37-1-1](#); [IC 36-1-7](#)

~~Sec. 4. (a) Staff performance evaluation plans must be submitted to the department between June 1 and September 1 immediately preceding the school year in which they are to be implemented.~~

~~(b) Following initial approval and implementation, each corporation must, on or before September 15 of each year, report to the department of education any modifications in its staff performance evaluation plan.~~

**(a) Measures to be used shall include the following:**

**(1) Measures provided by the department based on student achievement or growth on statewide assessments, or both.**

**(2) Measures based on other assessments developed or procured by a school corporation for the purpose of showing student growth or achievement, or both. The department will issue guidance to assist corporations in identifying and developing assessments, which may include commercially available or locally developed assessments, performance tasks, portfolios, or other measures of student growth and achievement.**

**(3) Measures closely aligned with content standards, as applicable, to reflect ambitious learning goals and proportional representation of content.**

**(b) Selection and weight of measures.** The use and weighting of student measures shall directly relate the assessments that most accurately measure student learning according to the following priority:

- (1)** Where a state exam exists, a school corporation must use it as a primary measure.
- (2)** Where a state exam does not exist, the primary measure shall be an exam developed or procured by a corporation that is used for common grades and subjects.
- (3)** Only when there is no state, corporation, or school exam shall a school corporation utilize class-specific, teacher-created exams as a primary measure of student learning for evaluation purposes. If data from state exams are available, that data must be used and weighted more than other sources of student learning measures.
- (4)** Where individual state assessment growth data is available, schools and school corporations must incorporate this data in summative ratings and give this data a higher weight than other student learning measures that may be included.

**(c) Negative impact on student learning shall be defined as follows:**

- (1)** For classes measured by statewide assessments, the department shall determine and revise at regular intervals the cut levels in growth results that would determine negative impact on growth and achievement.
- (2)** For classes that are not measured by statewide assessments, negative impact on student growth shall be defined locally where data show a significant number of students across a teacher's classes fails to demonstrate student learning or mastery of standards established by the state.

**(d) The department will provide guidance to districts on the best selection of assessments.**

*(Indiana State Board of Education; [511 IAC 10-6-4](#); filed May 4, 1988, 8:30 a.m.: 11 IR 3036; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: [20071219-IR-511070386RFA](#))*

SECTION 5. [511 IAC 10-6-5](#) IS REPEALED.

[Notice of Public Hearing](#)

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